

[12706/13] JFW

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Hiroya FUKUYAMA et al.  
Serial No. : 10/828,473  
Filed : April 21, 2004  
For : MICROSCOPIC OBSERVING APPARATUS AND PROBE MICROSCOPE  
Group Art Unit : 2872  
Examiner : Lee A. Fineman

INFORMATION DISCLOSURE STATEMENT

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:  
Mail Stop: Amendment  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
on

Sir:

Date: 9/13/07

Signature: Damario Fineman

Pursuant to 37 CFR § 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The filing of this Information Disclosure Statement and the enclosed PTO Form No. 1449, shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b). The paragraphs marked below are applicable. It is believed that no fees other than those indicated below are due, but authorization is hereby given to charge any additional fees due, or to credit any overpayment, to Kenyon & Kenyon deposit account 11-0600.

1. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and that this communication was not received more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR §1.704(d).

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- 2. The references was/were cited in an Office Action issued on August 14, 2007, in a counterpart Japanese Patent Application No. 2003-121590, a certified copy of which has been submitted to the Office.
- 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a final action, Notice of Allowance, or any action that otherwise closes prosecution.
- 4. Please debit Kenyon & Kenyon LLP, Deposit Account No. **11-0600** in the amount of \$180.00 in payment of the fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. A duplicate of this paper is attached. 37 CFR §1.97(c)(2).

Respectfully submitted,

KENYON & KENYON LLP

  
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